

Claim 58 (new) A method for providing approval for a third party to access a value account controlled by a primary account holder, the process comprising:

receiving, at a merchant device, a system identification number and a biological sample proffered by the third party;

transmitting said system identification number to a central database;

receiving in response to said transmission, registered biological identification data that corresponds to said system identification number;

verifying an identity of the third party, said verifying being based on a comparison at said merchant device of the proffered biological sample to said registered biological identification data;

after the identity of the third party is verified, determining whether the third party has been authorized access by the primary account holder to access the value account; and

in the event that the third party is determined to be authorized to access the value account, transmitting an approval signal indicating that the third party may have access to the value account.

## REMARKS

By the foregoing Amendment, claims 40-48 have been canceled without prejudice or disclaimer, claims 1, 18, 30, and 40 have been amended and new claim 58 has been added. In view of the foregoing amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and that they be withdrawn.

### *Rejections Under 35 U.S.C. §103*

At paragraph 2 of the Office Action, the Examiner rejected claims 1-7, 9-24, 26-36, and 40-55 as being unpatentable over U.S. Patent No. 6,598,023 to Drummond et al. (“Drummond”) in view of U.S. Patent No. 5,914,472 to Foladare et al. (“Foladare”). As noted by the Examiner with respect to example claim 1, Drummond teaches verifying an identity of a user through an analysis of biometric data. *See*, col. 12, line 63 to col. 13, line 15 of Drummond. The Examiner

then noted that Drummond was restricted to users that are primary account holders and did not address the possibility of third-party access to accounts.

Foladare was introduced to address the deficiencies of Drummond. In general, Foladare teaches the use of ancillary credit or debit transactions cards that can be distributed, for example, by a parent to a child. In this scenario, the parent can specify spending limits for the ancillary transaction card. When the child presents the ancillary transaction card to a merchant for payment, the merchant swipes the card and contacts a central computer for card authorization. If the credit limit of the ancillary card holder has been exceeded according to the database, the parent can be contacted by the central computer for authorization of an increase in the credit limit.

Foladare's third-party account access is restricted to the usage of ancillary cards. These ancillary cards are issued for use on a single account. As such, these ancillary cards provide a dedicated access mechanism to a single credit or debit facility. Authorization is therefore based on the identity of the card.

In Applicant's example claim 1, authorization is based on the identity of the person. In example claim 1, a biological sample is first received from the third party. This biometric data is matched to registered biological identification data in the database to verify the identity of the third party. Once identified, the third party can pay for a transaction using an account to which the third party has access. The set of accounts to which the third party has access can include accounts for which the third party is the primary account holder and therefore having unlimited access and accounts for which the third party is not the primary account holder and therefore having limited access. In other words, the third party can have access to his own accounts as well as accounts held by others. In this framework, the biometric access to the transaction system enables flexible usage of accounts. This is in sharp contrast to the ancillary card access of Foladare, which is limited to a particular account that originated the ancillary card.

As demonstrated, the card-based access disclosed by Foladare is entirely distinct from Applicant's claimed user-based biometric access. Thus, even assuming that Drummond teaches all that the Examiner alleges, the combination of Drummond and Foladare would not produce

Applicant's claim 1. Applicant further submits that the Examiner has not provided a *prima facie* case of obviousness in showing how the conventional biometric account access of Drummond would be modified using Foladare's third-party ancillary card access to produce Applicant's claimed invention. For at least these reasons, Applicant submits that the rejection of claim 1 is traversed.

Claims 18 and 30 recite similar features as claim 1. The rejection of claims 18 and 30 is therefore traversed for at least the same reasons noted above. Claims 2-7, 9-17, 19-24, 26-29, and 31-36 depend either directly or indirectly to independent claims 1, 18, 30. Thus, the rejection of claims 2-7, 9-17, 19-24, 26-29, and 31-36 is traversed for at least the same reasons noted above.

By the amendment above, claims 40-48 have been cancelled without prejudice or disclaimer. Accordingly, the rejection of those claims is rendered moot.

In the rejection of claim 49, the Examiner simply noted that the combination of Drummond and Foladare as applied to the other claims already met the features of claim 49. Applicant submits that the Examiner has not set forth a *prima facie* case of obviousness with respect to claim 49. In particular, the Examiner has not set forth how Drummond and Foldare teach receiving a biological sample proffered via a biological identification device; comparing the proffered biological sample to biological identification data stored in a database; making an identity determination, based on comparing the proffered biological sample, of whether the proffered biological sample is consistent with the identity of the primary account holder; receiving a system identification number corresponding to an identified person who has previously registered their biological identification data in the database; presenting options for transaction parameter limits for the identified person; and receiving one or more selections of transaction parameter limits according to the options presented; wherein, in the event that it is determined that the proffered biological sample is consistent with the identity of the primary account holder, the identified person is authorized to access the value account subject to the

transaction parameter limits selected. For at least this reason, the rejection of claim 49, as well as claims 50-55 that depend either directly or indirectly from claim 49, is traversed.

At paragraph 3 of the Office Action, the Examiner rejected claims 8 and 25 as being unpatentable over Drummond and Foladare in view of U.S. Patent No. 6,434,403 to Ausems et al. This rejection incorporates the rejection of claims 1 and 18 from which they depend, respectively. Thus, for at least the reasons noted above with respect to claims 1 and 18, the rejection of claims 8 and 25 is traversed.

At paragraph 4 of the Office Action, the Examiner rejected claims 37-39, 56 and 57 as being unpatentable over Drummond and Foladare in view of U.S. Patent No. 6,422,462 to Cohen. This rejection incorporates the rejection of claims 30 and 49 from which they depend. Thus, for at least the reasons noted above with respect to claims 30 and 49, the rejection of claims 37-39, 56 and 57 is traversed.

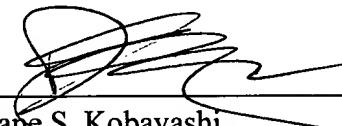
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might be useful for any reason.

Respectfully submitted,

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